



RNI No. MAHBIL /2009/35528

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक १९]

सोमवार, मे ४, २०२०/वैशाख १४, शके १९४२

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असाधारण क्रमांक ४३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors of certain Municipal Corporations due to spread of pandemic Corona Covid Virus in the State) Ordinance, 2020 (Mah. Ord.VII of 2020), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

Secretary (Legislation) to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors of certain Municipal Corporations due to spread of pandemic Corona Covid Virus in the State) Ordinance, 2020 (Mah. Ord.VII of 2020), published under the authority of the Governor.)

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 4th May 2020.

MAHARASHTRA ORDINANCE No. VII OF 2020.

AN ORDINANCE to provide for temporary postponement of elections of the Mayor and Deputy Mayor of certain Municipal Corporations on account of spread of pandemic Corona Covid virus in the State.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate

action to provide for temporary postponement of elections of the Mayor and Deputy Mayor of certain Municipal Corporations on account of spread of pandemic Corona Covid Virus throughout the State and for matters connected therewith or incidental thereto ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title,
commencement
and duration.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors of certain Municipal Corporations due to spread of pandemic Corona Covid Virus in the State) Ordinance, 2020.

(2) It shall be deemed to have come into force on the 27th April 2020.

(3) It shall remain in force for a period of three months from the date of commencement of this Ordinance or such earlier date as may be notified by the State Government by issuing a notification in the *Official Gazette*; and shall then expire. Section 7 of the Maharashtra General Clauses Act, shall apply upon the expiry of this Ordinance, as if it had been repealed by a Maharashtra Act.

I of
1904.

Definition.

2. In this Ordinance, unless the context otherwise requires,—

(a) “Municipal Corporation” means a Municipal Corporation constituted under Maharashtra Municipal Corporations Act ;

LIX of
1949.

(b) “relevant Act” in relation to the Municipal Corporation means the relevant Act referred to in clause (a) above;

(c) words and expressions used in this Ordinance and not defined herein shall, have the same meanings as assigned to them in the relevant Act.

Postponement
of elections of
Mayors and
Deputy
Mayors and
Extension of
term of their
office.

3. (1) Notwithstanding anything contained in the relevant Act or the rules made thereunder or in any judgement, decree or order of any Court,—

(a) no election to the office of the Mayor and Deputy Mayor of a Municipal Corporation shall be held for a period of three months from the date of coming into force of this Ordinance or such earlier date as may be notified by the State Government by issuing a notification under sub-section (3) of section 1 (hereinafter, in this Ordinance, referred to as “ the said period “) ;

(b) the term of offices of the Mayor and Deputy Mayor to be elected after the said period shall be co-terminus with the term of the elected Councillors.

(2) Notwithstanding anything contained in sub-section (1), after the term of offices of the Mayor and Deputy Mayor, as extended by this Ordinance expires, they shall continue to hold office until the new Mayor or Deputy Mayor, as the case may be, have been elected under the relevant Act.

Powers of
Mayor and
Deputy Mayor
whose term of
office stands
extended and
validation of
certain acts.

4. All the Mayors and Deputy Mayors, whose term of office is deemed to have been extended or is extended, as the case may be, under section 3, shall, throughout such extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such Mayor or Deputy Mayor, as the case may be; and no act done by any of them during the said period shall be invalid, or shall be called in question in any Court, merely on the ground that during the extended period such Mayor or Deputy Mayor, as the case may be, could not exercise

all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the Mayor or Deputy Mayor, as the case may be, under the relevant Act.

5. Notwithstanding anything contained in this Ordinance, Arrangements to hold elections of the Mayors and Deputy Mayors. arrangements shall be made by the concerned officers to hold the elections of the Mayor and Deputy Mayor, in accordance with the provisions of the relevant Act and the rules made thereunder, before, or as soon as possible, after the expiration of the term of office of the existing Mayor and Deputy Mayor, which stands extended by this Ordinance.

6. If any difficulty arises in giving effect to the provisions of this Ordinance or by reason of anything contained therein, or in giving effect to the provisions of the relevant Act in respect of any matter contained in this Ordinance, the State Government may, as occasion arises, by order, published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty. Removal of difficulty.

7. Nothing in this Ordinance shall apply to the election of the Mayor or Deputy Mayor of a Municipal Corporation, which is to be held immediately after general election to such Municipal Corporation, during the period of duration of this Ordinance, referred to in sub-section (3) of section 1. Savings.

STATEMENT

As per the existing provisions of the Municipal Laws in the State, the tenure of offices of the Mayor and Deputy Mayor of the Municipal Corporations, is two and half years. In some of the Municipal Corporations, the term of offices of the Mayor and Deputy Mayor is due to expire in the months of April or May 2020.

2. Due to spread of pandemic Corona Covid Virus in the State, the Officers and staff of the Municipal Corporations as well as the police personnel in the Districts and the personnel in the District Administration are busy in the mitigating and containment measures. To rule out any possible undue pressure on civil and police administration and any law and order problem or any inconvenience to citizens, it is considered expedient to temporarily postpone the elections of the Mayors and Deputy Mayors of certain Municipal Corporations, for a period of three months.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make such provisions by law, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 2nd May, 2020.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MAHESH PATHAK,

Principal Secretary to Government.